

**MAY I SEE YOUR GREEN CARD PLEASE?
THE RECRUITMENT OF PERMENENT RESIDENT
ALIENS AS PEACE OFFICERS IN CALIFORNIA.**

by

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it-creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

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The recruitment and selection of police officers remain one of the most difficult tasks facing law enforcement agencies in California. The days where law enforcement agencies used simple advertising strategies or word of mouth to attract huge numbers of applicants for a few openings are gone. Law enforcement organizations across the nation have had to rethink and retool their efforts in the area of recruitment. While the need to have a large numbers of applicants to fill just one position is still there, the number of applicants has been reduced significantly. Departments must recruit large numbers of applicants, and then ferret through them using a myriad of tests and selection procedures to identify those who are qualified to be effective officers. A poor selection decision can have dire consequences for that particular police agency or the entire profession as we have seen in some cases.

From the late 1950s, through the early 1990s, law enforcement agencies across the nation were often faced with huge numbers of applicants for their peace officer vacancies. Men throughout this time frame and women in the latter two decades displayed an incredible interest in law enforcement careers. Most agencies required only a high school diploma, while the remaining agencies asked for only slightly more. Peace officer positions were very attractive due in part to their good salary, excellent health benefits, vacation and sick leave benefits and opportunities for varied assignments and promotion (Woska, 2006). This pool of applicants was a welcome problem for personnel departments, and allowed police agencies to be very selective in their choices for vacant positions. Applicants for these vacant positions for the most part tended to be very qualified and possessed a great number of skills desired by the agencies to which they had applied. In short, police agencies found themselves in a very unique and envious

position where they had a large numbers of qualified candidates for a few openings. But as we have all seen in the past, most good things come to an end sooner than later.

The late 1990s brought with it what can best be described as the perfect storm with regard to peace officer vacancies and recruitment problems. And of course, many agencies never saw it coming and by the time many realized what was happening, it was too late, and catching up was going to take years if not decades. Some of the factors that contributed to this so-called perfect storm were:

- The massive number of retirements that can be attributed to the adoption of the PERS 3%@50 safety retirement by a majority of cities and counties in California and the fact that a huge number of baby boomers were rapidly approaching, had reached, or had exceeded that magic fifty number and took advantage of an earlier than anticipated retirement (McGreevy, 2006). These two variables combined left agencies across California suddenly looking at vacancy rates higher than most could ever remember.
- A healthy economy that generated a huge number of jobs in the private sector garnered higher pay, better benefits, more desirable working conditions (and less risk) were a great deal more attractive than jobs as peace officers. Police jobs just aren't as attractive in a robust economy (Griffith, 2008).
- And, probably worst of all, California law enforcement in general was doing an outstanding job at "shooting itself in the foot" as far as its reputation was concerned. The negative actions of a few created perceptions that a majority of officers were out of control, thus diminishing the appeal of the profession. The actions of a few were traumatizing the industry unfairly (Jang, 2006). Instances

such as the Los Angeles Police Departments Rampart scandal were particularly damaging to law enforcement in general, but specifically to the LAPD (Feldman, 2000).

These issues and many others continued to plague California law enforcement agency recruitment efforts well into the current decade. The pool of applicants that most California law enforcement agencies had drawn from had dried up significantly. A great number of California law enforcement agencies soon figured out recruiting methods used in years past weren't working anymore and started seriously looking at recruiting methods that had been either unheard of in the past or overlooked. These methods included such things as signing bonuses for the recruit and the employee who recruited them. Some agencies began offering relocation incentives and mortgage assistance to make it easier for recruits to move from out of the area; and, in some cases from out of state (Woska, 2006). Many agencies who in years past had budgeted very little for recruitment efforts were now talking about budgets in the tens of thousands of dollars. Some of the half-dozen or so largest police agencies were committing personnel toward recruitment efforts like never before and authorizing travel to destinations across the United States (Johnson, 2005).

Agencies such as the Los Angeles Police Department and the Los Angeles County Sheriff's Department, the two largest law enforcement agencies in the state, were traveling to New York, Miami, Honolulu, and even into Canada (R. Russell, personal communication, March 9, 2009). For some agencies, even the unwritten rules of fair play had been discarded by the side of the road and it came down to who could dangle the most tempting carrot in front of the candidate. Law enforcement agencies who could not

match the recruitment efforts of agencies with huge budgets or the ability to offer extraordinary employment benefits were often times left with applicants who possessed hiring issues that made them very unattractive at best (G. Marquez, personal communication, December 3, 2008).

In 2001, the State of California Commission on Peace Officer Standards and Training (POST) published a report titled “Peace Officer Recruitment and Retention: Best Practices. The report acknowledged that recruiting and retaining peace officers throughout the state had become a serious challenge for many law enforcement agencies. The report detailed ideas such as: developing a Recruitment Team, Budgeting and Long Term Planning, Marketing and Use of Technology, Alternative Staffing and Attracting and Retaining Staff (California, 2000).

The 2001 report was followed by a 2006 report by POST titled “Recruitment and Retention, Best Practices Update.” The report’s executive summary details key factors impacting recruitment statewide. In particular, it states that between 2002 and 2012 California law enforcement agencies will need to hire 68,000 peace officers to fill positions either created by population growth or because of what it calls officer separation. The report estimates separation numbers will peak at approximately 30,000 (Switzer, 2006). This number in and of itself was staggering to those who are deeply involved in the recruitment effort.

What really makes this number even more incredible is the ratio of applicants needed to generate one successful peace officer candidate through success to tenure. The Los Angeles Police Department put together a recruitment team that spent almost a year combing major cities throughout the United States for applicants. In the end, they

collected more than 8,000 applications. Of those, they garnered only ten applicants that met their hiring standards (Feldman, 2000). In a 2008 Rand Corporation report, the San Diego Police estimated that only 7 percent of the applicants for San Diego Police Department positions complete their hiring process and enter the academy. At the time that this report was being created, San Diego was operating with 208 fewer officers than authorized. This means they would need at a minimum, several thousand applications from interested candidates just to fill their vacancy number and get candidates started in the academy (Ridgeway, 2008).

In comparison, smaller agencies such as the Laguna Beach Police Department estimate it takes at least 200 applicants to generate a successful candidate (Laguna Beach, 2006). The Covina Police Department estimates more than 100 applicants are needed to get one applicant successfully through the probationary period (G. Marquez, personal communication, December 3, 2008). So, even if one were to stick to the more conservative estimate, it will take applicant numbers into the millions to generate enough successful candidates to accomplish the hiring goals of California agencies into 2012.

So, where do we find these millions of applicants when we've already experienced recruitment difficulties doing business the same old way? One potential solution may have been in front of us for some time and just been overlooked; the recruitment of permanent resident aliens for law enforcement vacancies.

The Permanent Resident Alien

A permanent resident alien (or PRA) is a person who has lawfully immigrated to the United States from a foreign country, and prior to entering the U.S., obtained a permanent resident alien visa. To enter the United States with this visa, an alien must

qualify in one of six categories of preference listed in the law. Those preferences are, offspring and siblings of United States citizens, spouses and unmarried offspring of permanent resident aliens, member of the professions/or persons with exceptional ability in the sciences or arts, laborers for which a shortage exists in the United States, or qualify in the non-preference, special immigrant, or immediate relative category. Only a pre-determined percentage of visas granted can be issued to aliens qualifying under each preference (California, 2000).

Once granted permanent resident alien status, the alien is issued a “green card” (alien identification card) by the United States Bureau of Citizenship and Immigration. Possession of a green card allows the permanent resident alien to lawfully live and work in the United States. The United States is currently home to approximately 12.8 million permanent resident aliens. Of those, about 3.5 million reside in California. Of those 3.5 million, it is estimated that 2.5 million are between the ages of 21 and 45, making them age-eligible to apply for peace officer vacancies.

By far the largest country of birth and origin for the over 12.8 million permanent resident aliens was Mexico at just under 3.5 million people. The second, third and fourth largest countries of birth and origin for permanent resident aliens were the Philippines, India and China respectively. These three countries accounted for over 1.5 million of the permanent resident aliens (Rytina, 2007). These numbers mirror the resident population (and language proficiency needs of policing) in many of our communities. With a ready source of candidates possessing desired skills and qualities, how might we go about hiring them for our ranks?

The Government Code and POST

California Government Code section 1031(a) states that a peace officer shall be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship. Section 1031.5 adds that citizenship shall be obtained within three years of appointment. POST regulations comply with Government Code requirements and allow PRAs to apply for sworn law enforcement positions. This regulation, though, does not apply to the California Highway Patrol, which is governed by the California Vehicle Code and by statute is prohibited from hiring permanent resident aliens. POST selection criteria does allow municipal and county law enforcement agencies to adopt stricter standards regarding citizenship, including requiring applicants for sworn positions to be citizens. They cannot, however, adopt less strict local criteria. POST has not studied the impact of recruiting PRAs or captured data regarding how many PRAs have been hired as peace officers. There is data, though, that confirms some police departments are already utilizing PRAs to supplant their number of new hires.

Who is recruiting the permanent resident alien?

Agencies across California are hiring permanent resident aliens and have been for quite some time. However, it appears this has not been by design, and has come about only by happenstance when doing other forms of recruitment. There are no known government or private sector studies done in regards to tapping into this potential source of applicants. A random survey of California law enforcement agencies, websites and personnel departments revealed that, while a majority of these agencies have internal policies that mirror the Government Code and POST guidelines with regard to the hiring

of permanent resident aliens, they have not in the past sought out this class of applicant (nor do they apparently intend to).

The Los Angeles Police Department, the largest municipal law enforcement agency in California, accepts applications from permanent resident aliens who have applied for citizenship prior to submitting their application. The LAPD, though, has no programs to actively recruit the permanent resident alien. LAPD does target specific ethnicities, such as Asian Pacific Islanders, Koreans, Cambodians, and Latin Americans from specific Central American and South American countries. In doing so, ends up accepting applications from permanent resident aliens from those targeted ethnicities, but not by design.

According to Lieutenant Rita Russell, the LAPD makes every attempt to deploy permanent resident alien officers of certain ethnicities to areas where they can be of the most benefit to the agency; however, they do not track or record this data. (R. Russell, personal communication, March 9, 2009).

Almost a half a million people call the city of Long Beach their home. The Long Beach Police Department protects those residents with a staff of over 1,000 sworn police officers, making both the city and the municipal police department the fifth largest in California. As one of the largest police agencies in California, they too are experiencing the same recruiting issues as most other agencies in California, only on a much larger scale. The department on average needs to fill at least 50 sworn positions a year. Along with its size comes the fact that Long Beach is a very diverse city. The city has the distinction of having the largest Cambodian immigrant population in the nation. As a result of this dynamic, the police department has faced cultural issues that it has had

difficulties in addressing. While no official program has been adopted, the recruitment section of the department has seen some success in temporarily assigning Cambodian officers to this particular area with direction from the recruitment unit to target second generation Cambodians for recruitment. Some of the direction to these officers does include information about permanent resident alien status and the fact that as long as they have applied for citizenship, they are eligible to apply for police officer positions. The Long Beach Police Department does currently have on staff, approximately thirty officers who came to them initially as permanent resident aliens and achieved their citizenship while employed as sworn personnel. A majority of these officers are either Asian or Asian Pacific Islanders. So, while the Long Beach Police Department doesn't have any official permanent resident alien recruitment program in place, its unofficial version seems to be showing promise (G. Dennison, personal communication, March 9, 2009).

The City of Santa Ana and the Santa Ana Police Department are the largest city and municipal police agency in Orange County. The city is also one, if not the most, ethnically diverse city in Orange County. A majority of the city's population is Hispanic from both Central and South America. The city also has a sizable population from both Asia and the Asian Pacific Islands. The recruitment and hiring standards of the Santa Ana Police Department allow it to hire permanent resident aliens who have applied for citizenship, however, they do not have any specific recruitment efforts focused on this particular group of potential applicants. This is quite interesting since the Santa Ana Police Department is currently in the midst of a somewhat unusual recruitment drive. The recruitment drive is focusing on language speaking ability rather than ethnicity. The recruitment drive is focusing on applicants who are fluent in one of six languages, those

being, Spanish, Korean, Cambodian, Hmong, Vietnamese, and Samoan. So, while the recruitment doesn't necessarily target a specific ethnicity per se, it does target persons fluent in specific dialects. (M. Carmona, personal communication, March 9, 2009).

The Redding Police Department located in Northern California is the largest municipal police agency north of Sacramento. The city is home to approximately 90,000 residents. The Department, while aware of the California Government Code and POST regulations that dictate hiring standards for police agencies, does not have any city rules or regulations in place that address permanent resident aliens who might apply for vacant police officer positions. Redding does not currently have any sworn employees who upon submission of their application were permanent resident aliens, nor does it believe this has ever been the case. According to Sergeant Tracy Beaupre the Redding Police Department would welcome anyone who applied to the department who met the minimum POST guidelines for employment. The department would treat their application as it would any other and process it using established guidelines (T. Beaupre, personal communication, March 9, 2009).

The Covina Police Department currently has two police officers who began their service with the agency as permanent resident aliens who had applied for citizenship at time of appointment. One was born and raised in Great Britain and came to the United States in her early twenties to attend college. The other officer was born and raised in Croatia and came to the United States to attend college and play professional sports. Both successfully passed their probationary period and later were successful in attaining there U.S. citizenship.

Similar to the agencies previously profiled, the Covina Police Department did not have, nor does it have today, any type of permanent resident alien recruitment program. And while in the long term it has benefited the agency in hiring these two officers, no plans have been put into place to begin a permanent resident alien recruitment program. However, in speaking with the officer from Croatia, Covina was only one of three agencies that he inquired with (Los Angeles, Arcadia, and Covina) out of at least fifty he contacted that allowed him to apply once he advised he was not a United States citizen and had permanent resident alien status (I, Ostarcevic, personal communication, December 3, 2008).

Good Idea or Not?

There should be no doubt that an endeavor such as the active recruitment of permanent resident aliens as peace officer applicants will have advantages and disadvantages to both the law enforcement agency and their governing body. While being able to recruit permanent resident aliens is nothing new by statute, it is a subject that really hasn't been explored past the surface layer. Some agencies have ventured into the subject more than others and their successes appear to outnumber failures. However, the fact that not enough research exists to make a definitive decision at this point as to the viability of an active permanent resident alien recruitment program cannot be disputed. So, let's take a look at some of the pros and cons of such a program.

First the pros:

- The previously overlooked demographic of permanent resident aliens as a group could increase the number of people in the applicant pool by the tens of thousands, if not, possibly by several hundred thousand in California (Rytina,

2007). While no one could expect the applicant pool numbers to increase overnight, they could increase after specific recruitment programs targeting this demographic were initiated. These programs could be modeled after successful programs that in the past had targeted such groups as Asian Pacific Islanders, and specific Latin American cultures. Yes, of course this would only come after being promoted by POST, the buy-in from a large number of California police agencies, and a media campaign targeted at the permanent resident alien demographic.

- Cities and Counties with a large alien or immigrant population would be able to recruit from within these communities for officers, thus putting them far ahead of the cultural curve that most agencies find themselves behind due to the inability to parallel the diversity found in their communities. An example of this theory would be the City of West Covina. The city for the last decade has seen a significant increase in its Filipino population. This increase in Filipino residents has caused the agency some difficulties in the past. While the agency has been somewhat successful hiring Filipino officers to bridge the cultural gap, it has not been able to mirror the percentage of Filipinos that make up the community. Currently West Covina does not have a policy in place enabling it to seek out and hire permanent resident aliens. According to Lieutenant Paul LaCommare, if the City allowed this practice he is sure their recruitment bureau would actively seek out permanent resident alien Filipinos from within their borders (P. LaCommare, personal communication, February 4, 2009). By doing so, he is convinced that it would be a win-win for both the community and the police department.

- In many cases the community as a whole would be the biggest benefactor of a program where permanent resident alien officer numbers mirrored the make up and ethnicity of the community. Traditionally when communities are comprised of both small and large populations of immigrants the lack of cultural knowledge impacts the cohesiveness of the community unless extraordinary measures are taken to bridge those gaps. The 2006 POST report states that one of the biggest challenges facing law enforcement is attracting a diverse pool of qualified candidates who represent the various ethnic groups in the community. It further states that potential benefits to agencies who recruit from the ethnicities that mirror their residents could include such things as, an increase in mutual understanding between different groups, decreases in tension between both employees in an agency and within the community, instilling community confidence in the law enforcement agency, and reduce instances of stereotyping (Switzer, 2006).

Now, a few of the hurdles that would have to be addressed:

- The first hurdle would be simply getting the word out to the permanent resident alien population who would be eligible to apply for peace officer positions. First, and foremost this would occur through advertising, both general and direct. However, if the idea is to really have potential for success, it wouldn't hurt to get some of the more powerful law enforcement professional groups on board and behind the idea. Those groups could and probably should include, the California Police Chiefs Association (CPCA), the California Police Officers Association (CPOA), and the Peace Officers Research Association of California (PORAC).

All of these organizations are very important stakeholders when it comes to promoting successful recruitment efforts. Success would also depend on to what degree POST got behind the idea. While it is obvious, because of there current position, they are aware of the possibilities, they may not be aware of the potential when it comes to promoting the idea. Quite a few agencies look to POST for explanation of new ideas and in some cases even validation.

- Another possible hurdle would be community acceptance of the idea. The idea on its face really doesn't sound all that attractive. Sure, once the public was informed, there is a good chance the idea wouldn't cause all that much controversy. Imagine a newspaper headline similar to "Police Department Hiring Aliens as Police Officers." Now, while the headline is for all intensive purposes true, it really doesn't paint a very accurate picture of the idea. However, we know from experience, it is very hard to unring the bell. The public really doesn't have much of a grasp of the difficulties encountered when it comes to recruitment of successful candidates for peace officer positions. They also don't have much insight into how the pool of qualified candidates has dried up, nor should they. The only way they could know would be through the media and when it actually becomes any kind of story, it often ends up in the back pages of the paper or toward the end of the news broadcast. So, if and when this idea of recruiting permanent resident aliens gathers enough energy to become a reality, municipal and county governments would be smart to inform the public of the who and especially the why. Of course, there will always be the misinformed or the people/groups that rather than listen to reason, will see the bad in almost

everything. These people and groups are why dissemination of accurate information before this idea gathers negative steam is a good idea. Of course, there will be communities who simply due to the ethnic makeup of the community will welcome this idea with open arms. It is those who will look at this idea as taking away jobs from “citizens” or those more deserving than the permanent resident alien that will be the hard sell. As mentioned previously, it will be the department and community success stories that make the program a success. According to Lieutenant Russell of the Los Angeles Police Department, they have many success stories. They’ve managed to make huge progress in communities where in the past they had not been able to, such as in the Koreatown area of Los Angeles (R. Russell, personal communication, March 9, 2009). In Santa Ana, California they have been able to interact with members of the Cambodian, Hmong and Samoan communities like never before (M. Carmona, personal communication, March 9, 2009).

- Probably the biggest and most difficult hurdle to get over will be the time involved and cost to conduct thorough background investigations. Routine background investigations that don’t involve a great deal of travel or contact outside the local area of the agency are time consuming and expensive. An average background investigation takes anywhere between 40 and 80 man hours to complete, that is, if there aren’t any real difficulties. When you factor in variables such as travel outside the area, or contacting references or family outside of California, the cost begin to soar. Additionally, it is quite common that if the applicant makes it all the way to the background investigation, there

still exists a high probability that something will surface to cause the agency to reevaluate their hiring position. The background investigation on a permanent resident alien has issues that might not exist in a regular background. For instance, there can be the lack of ability to personally speak with relatives, friends, acquaintances and previous employers. Additionally, there are issues with comparable levels of minimum education and access to automated criminal history databases in order to survey the moral character of the applicant (B. Bell, personal communication, January 16, 2009). While it is very obvious that these issues should be of concern to an agency considering the hiring of a permanent resident alien, this alone should not determine the agencies position on the matter. As stated earlier in this article, the Covina Police Department took on the task of conducting background investigations on permanent resident aliens and the outcomes in both cases were extremely positive.

Conclusion

To say that most, if not all of California's law enforcement organizations in California have struggled over the last decade to keep their heads above the water line when it came to staffing would be an understatement at best. And, while we would like to look backwards and reassure ourselves that the worst is over, that probably isn't the case according to data gathered by POST. From the looks of it our staffing struggles are going to continue for at least five, if not ten more years.

Because we know this, we need to start working to build those "better mouse traps." One may be to widen our perspective and think more globally in the case of recruiting permanent resident aliens to become our new men and women in blue. Of

course internally there will be struggles, none of which we cannot overcome.

Externally, there will be those small bumps in the road; however, the community rewards will pay off in numbers that we may not be able to quantify.

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